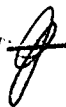


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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY:  DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BARTELL HOTELS, A California Limited
Partnership, dba HALF MOON ANCHORAGE,

Plaintiff,

v.

M/Y CLAIRE IRENE, a 1968 Owens Motor
Yacht of Approximately 40-Foot In Length And
11-Foot In Beam, Bearing California D.M.V.
Registration No. CF 8646 ED, AND ALL OF
HER ENGINES, TACKLE, ACCESSORIES,
EQUIPMENT, FURNISHINGS AND
APPURTENANCES, *in rem*,

Defendant.

Civil No. 07 CV 2097 L (BLM)

IN ADMIRALTY

~~[PROPOSED]~~ ORDER FOR
ENTERING DEFAULT
JUDGMENT BY COURT

F.R.C.P. Supplemental Admiralty
Rule E(9)

SUBMITTED ON PAPERS
(Oral Arguments Not Requested)

Date: June 16, 2008

Time: 10:30 a.m.

Judge: Hon. M. James Lorenz

~~[PROPOSED]~~ ORDER

CONSIDERING the Motion of Plaintiff BARTELL HOTELS, dba HALF MOON ANCHORAGE for an Order Entering Default Judgment By Court in its favor and against the *in rem* DEFENDANT VESSEL, and good cause appearing therefor,

IT IS ORDERED that judgment shall be and hereby is entered in favor of Plaintiff BARTELL HOTELS, dba HALF MOON ANCHORAGE., who shall have and receive out of the proceeds (if any) derived from the U.S. Marshal's auction of the DEFENDANT VESSEL pursuant to Order of this Court, the following sums:

1. Wharfage arrearages due at the time of termination of the Wharfage Contract in the amount of \$1,929.60; and

2. Transient wharfage fees accruing between the date the Wharfage Contract was terminated and the date the U.S. Marshal arrested the DEFENDANT VESSEL pursuant to Order of this Court in the amount of \$2,820.00; and

3. Substitute Custodian fees beginning the date the DEFENDANT VESSEL was arrested on November 7, 2007 and continuing until such time as the sale of the DEFENDANT VESSEL at a U.S. Marshal auction Ordered by the Court is confirmed and the Substitute Custodian is relieved of further duties, to be calculated as follows: \$50.00 per week for detailed interior vessel inspections, plus general custodial fees at the rate of 50 cents per foot of vessel length per day (*i.e.*, 40 feet X .50 = \$20.00 per day), plus a wharfage component of \$12.50 per foot per month (or \$500.00 (*i.e.*, \$12.50 X 40 = \$500), plus any additional dewatering or other services that might be provided with the prior authorization of the Court before confirmation of the vessel sale; and

4. Actual United States Marshal fees accruing until such time as the Court confirms the sale of the DEFENDANT VESSEL following her public auction; and

5. The filing fee PLAINTIFF paid in the amount of \$250.00; and

IT IS FURTHER ORDERED that in the light of the fact that PLAINTIFF's damages will continue to accrue until such time as the DEFENDANT VESSEL is sold and such sale is confirmed, and that accordingly its damages cannot until such time be fully quantified, PLAINTIFF shall promptly after the auction and confirmation file with the Court a [Proposed] Final Order For Default Judgment By Clerk, which shall reflect the above damages that cannot at this time be quantified, together with the other terms of above Judgment, after which the Clerk of the Court shall enter such Final Order for Default Judgment.

IT IS SO ORDERED.

Dated: ~~Aug 12~~ 2008

MJ August 12, 2008

By:

M James Lorenz
Hon. M James Lorenz
United States District Court Judge